REMARKS

This Application has been carefully reviewed in light of the Office Action mailed August 8, 2006. Claims 1-13 and 28-33 were pending in the Application (Claims 14-27 having been withdrawn from consideration). In the Office Action, Claims 1-13 and 28-33 were rejected. In order to expedite and advance the prosecution of the present Application, Applicants amend Claims 1, 3, 9, 10, 28, 29 and 32. Thus, Claims 1-13 and 28-33 and remain pending in the Application. Applicants respectfully request reconsideration and favorable action in this case.

In the Office Action, the following actions were taken or matters were raised:

SPECIFICATION OBJECTIONS

The Examiner objected to the abstract. In this regard, the Examiner states that the abstract should not contain words such as "comprise," "means" and "said" because such terms are often used in patent claims. Applicants have reviewed the abstract and have found no recitation of the word "means" or "said." Further, Applicants respectfully refer the Examiner to M.P.E.P. § 608.01(b) which does not prohibit using the word "comprise" in an abstract. Accordingly, Applicants respectfully submit that this objection is improper and should be withdrawn.

SECTION 102 REJECTION

Claims 1, 2, 6, 9, 10, 12, 28 and 32 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,437,587 issued to Hartnett et al. (hereinafter "*Hartnett*"). Claims 1, 2, 6, 7, 9, 10, 28 and 32 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,292,004 issued to Kocher (hereinafter "*Kocher*"). Applicants respectfully traverse these rejections.

Hartnett Reference

Of the rejected claims, Claims 1, 9 and 28 are independent. Applicants respectfully submit that *Hartnett* does not disclose or even suggest each and every limitation of amended independent Claims 1, 9 and 28. *Hartnett* appears to disclose a board 18 upon which a probe assembly 20 (e.g., in the form of an off-the-shelf integrated circuit socket) is mounted (*Hartnett*, column 2, line 66 to column 3, line 16, column 4, lines 30-34, figures 2 and 3). *Hartnett* appears to disclose that the probe assembly 20 comprises a substrate 24 with one or more electrically conductive elements 42 therein for contacting a printed circuit assembly to be tested (*Hartnett*,

column 4, line 63 to column 5, line 8, column 5, lines 62-67, figures 2 and 3). *Hartnett* does not appear to disclose or even suggest that the probe assembly 20 of *Hartnett* is coupled to the board 18 of *Hartnett* to enable lateral movement of the socket relative to the board 18 of *Hartnett*. Thus, Applicants respectfully submit that *Hartnett* does not disclose or even suggest "a probe assembly coupled to the support member to enable lateral movement of the probe assembly relative to the support member" as recited by amended Claim 1 (emphasis added). In fact, the probe assembly 20 of *Hartnett* appears to be fixed at a single location on board 18 in order to contact the pads 34 located on board 18 (*Hartnett*, column 3, lines 16-22, figures 2 and 3). Therefore, for at least this reason, Applicants respectfully submit that *Hartnett* does not anticipate amended Claim 1.

Applicants further submit that there is no motivation or suggestion to modify the *Hartnett* reference to enable "lateral movement" as recited by Claim 1. For example, in the Office Action (with respect to Claim 3), the Examiner cites U.S. Patent No. 5,698,990 issued to Aussant et al. (hereinafter "*Aussant*") and states that it would have been obvious to modify the *Hartnett* apparatus to provide lateral movement of the probe assembly 20 of *Hartnett* (presumably with the spring assembly 10 of *Aussant* referred to by the Examiner) (Office Action, page 8). Applicants respectfully disagree. *Aussant* appears to disclose counterforce spring assemblies 10a and 10b arranged about a periphery of a gasket 58 as well as dispersed between component leads on a unit under test (*Aussant*, column 4, lines 5-16, figures 1 and 2). *Aussant* also appears to disclose that the *Aussant* apparatus includes a probe plate 54 and a top plate 56 such that the spring assemblies 10 of *Aussant* extend through the probe plate 54 to exert a bias on the top plate 56 (*Aussant*, column 4, lines 26-31). *Aussant* also appears to recite that in a testing mode, a vacuum is introduced between the top plate 56 and the probe plate 54 to draw the top plate toward the probe plate (*Aussant*, column 6, lines 15-20, figure 4). *Aussant* recites:

> The presence of counterforce spring assemblies 10b about the periphery of gasket 58 creates an immediate seal at gasket 58 upon creation of a vacuum between top plate 56 and probe plate 54 because counterforce spring assemblies 10b provide additional support in a region of gasket 58 to give it better sealing contact between UUT 60 and top plate 56.

(*Aussant*, column 4, lines 43-49) (emphasis added). Further, *Aussant* recites:

> [T]hese assemblies 10 may be placed in a wide variety of areas directly below the UUT 60 itself to ensure that no bowing or bending occurs during the testing process when a vacuum exists between probe plate 54 and top plate 56.

(*Aussant*, column 4, lines 63-67) (emphasis added). There is no gasket disclosed in the *Hartnett* apparatus, nor is there any vacuum applied in the *Hartnett* apparatus. Accordingly, there is no motivation or suggestion to provide any such spring assemblies in the *Hartnett* apparatus as proposed by the Examiner. In fact, the spring assemblies of *Aussant* apply a bias to the top plate 56 of *Aussant* in a non-lateral direction relative to the unit under test in *Aussant* (see at least figures 2-5 of *Aussant*). Instead, Claim 1 recites "enabl[ing] lateral movement of the probe assembly relative to the support member" (emphasis added). Clearly, the Examiner is using hindsight reconstruction to piece together purported teachings of the cited references to arrive at Applicants' claims, which is improper. Therefore, for at least this reason also, Claim 1 is allowable.

Independent Claim 9, as amended, recites a "first probe means coupled to a support member and adapted to contact corresponding test areas on an electronic circuit assembly," a "support means movably coupled to the support member" and a "second probe means coupled to the support means" (emphasis added). Independent Claim 28, as amended, recites "a probe assembly having a probe assembly support movably coupled to the support member, the probe assembly having a plurality of probes coupled to the probe assembly support" (emphasis added). At least for the reasons discussed above in connection with independent Claim 1, Applicants respectfully submit that *Hartnett* also does not anticipate amended Claims 9 and 28. For example, *Hartnett* does not disclose or even suggest movement of the probe assembly 20 of *Hartnett* relative to the board 18 of *Hartnett*, nor is there any suggestion or motivation to provide any such movement in the *Hartnett* apparatus. Accordingly, Applicants respectfully submit that Claims 9 and 28 are patentable over the *Hartnett* reference.

Claims 2, 6, 10, 12 and 32 that depend respectively from independent Claims 1, 9 and 28 are also not anticipated by *Hartnett* at least because they incorporate the limitations of respective Claims 1, 9 and 28 and also they add additional elements that further distinguish *Hartnett*. Therefore, Applicants respectfully request that the rejection of Claims 1, 2, 6, 9, 10, 12, 28 and 32 be withdrawn.

Kocher Reference

Of the rejected claims, Claims 1, 9 and 28 are independent. Applicants respectfully submit that *Kocher* does not disclose or even suggest each and every limitation of amended independent Claims 1, 9 and 28. *Kocher* appears to disclose a test fixture 10 made up of a series of parallel plates (a top plate 12, a bottom plate 14, and a plurality of guide plates 16a-16d) through which test probes extend (*Kocher*, column 6, lines 12-18, figures 1-3). *Kocher* also appears to disclose an assembly 36 comprising test probes 38 coupled to a test probe receiving block 40 such that the test probes 38 are spaced closer together relative to each other than other test probes 32/34 on fixture 10 (*Kocher*, column 8, lines 56-60, column 9, lines 18-22, figures 2 and 3). *Kocher* appears to indicate that the receiving block 40 to which test probes 38 are coupled is attached to the bottom plate 14 of *Kocher* such that the test probes 38 extend upwardly through plates 16a-16d and top plate 12 of *Kocher* (*Kocher*, figures 2 and 3). *Kocher* does not disclose or even suggest that the test probes 38 and/or receiving block 40 are laterally movable relative to any of plates 12, 14 or 16a-16d of *Kocher*. Thus, Applicants respectfully submit that *Kocher* does not disclose or even suggest "a probe assembly coupled to the support member to enable lateral movement of the probe assembly relative to the support member" as recited by amended Claim 1 (emphasis added). Accordingly, for at least this reason, Applicants respectfully submit that *Kocher* does not anticipate amended Claim 1.

Independent Claim 9, as amended, recites a "first probe means coupled to a support member and adapted to contact corresponding test areas on an electronic circuit assembly," a "support means movably coupled to the support member" and a "second probe means coupled to the support means" (emphasis added). Independent Claim 28, as amended, recites "a probe assembly having a probe assembly support movably coupled to the support member, the probe assembly having a plurality of probes coupled to the probe assembly support" (emphasis added). At least for the reasons discussed above in connection with independent Claim 1, Applicants respectfully submit that *Kocher* also does not anticipate amended Claims 9 and 28.

Claims 2, 6, 7, 10 and 32 that depend respectively from independent Claims 1, 9 and 28 are also not anticipated by *Kocher* at least because they incorporate the limitations of respective Claims 1, 9 and 28 and also they add additional elements that further distinguish *Kocher*. Therefore, Applicants respectfully request that the rejection of Claims 1, 2, 6, 7, 9, 10, 28 and 32 be withdrawn.

SECTION 103 REJECTION

Claims 3, 8, 11, 29 and 33 were rejected under 35 USC §103(a) as being unpatentable over *Hartnett* in view of *Aussant*. Claims 4 and 30 were rejected under 35 USC §103(a) as being unpatentable over *Hartnett* in view of U.S. Patent No. 6,885,205 issued to Siew et al. (hereinafter "*Siew*"). Claims 5, 13 and 31 were rejected under 35 USC §103(a) as being unpatentable over *Hartnett* in view of U.S. Patent No. 6,028,437 issued to Potter (hereinafter "*Potter*"). Applicants respectfully traverse these rejections.

Claims 3-5, 8, 11, 13, 29-31 and 33 depend respectively from independent Claims 1, 9 and 28. As discussed above, independent Claims 1, 9 and 28 are patentable over the *Hartnett* reference. Moreover, none of *Aussant*, *Siew* and *Potter* appear to remedy at least the deficiencies of *Hartnett* discussed above. Therefore, for at least this reason, Applicants respectfully submit that Claims 3-5, 8, 11, 13, 29-31 and 33 are patentable over the cited references.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of all pending claims.

An RCE filing fee of $790.00 is believed due. The Director of Patents and Trademarks is hereby authorized to charge Deposit Account No. 08-2025 of Hewlett-Packard Company the amount of $790.00 to satisfy the RCE filing fee. If, however, Applicant has miscalculated the fee due with this RCE, the Director is hereby authorized to charge any fees or credit any overpayment associated with this RCE to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,

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